in view of U.S. Patent No. 5,181,237 to Dowden et al. (Dowden).

The present invention, according to claim 1, calls for a voice-responsive messaging system comprising:

a voice processing unit configured for recording a destination party identity and a destination address type, spoken by calling party, for a corresponding message;

a speech recognition unit for outputting data corresponding to identified words spoken by the calling party; and

a master control unit configured for generating a destination address query for an identified directory database in response to identification of the destination party identity and the destination address type by the speech recognition unit, wherein the master control unit, in response to receiving a destination address reply from the identified directory database, selectively initiates a transfer of the message to the destination party based on the destination address reply

(emphasis added). Thus, the present invention relates to a voice-responsive system wherein a caller identifies a destination party and destination address type (such as, "fax", "email", "telephone", "pager", etc.). Based upon the destination party and destination address type, the system generates a destination address query.

In contrast the claimed invention, Lennig discloses a directory assistance apparatus for reducing operator involvement during a call. Specifically, when a

directory assistance call is received, the system of Lennig announces the message "For what city?", prompting the caller to state the name of the locality they are trying to get information. See Lennig, starting at 6:34. If the locality is recognized, the system will transmit a message asking the caller to state whether or not the desired listing is a business listing. See Lennig, starting at 7:1. If the required number is a business listing, the system then asks "For what business name?" and then employs speech recognition to attempt to retrieve the requested number. See Lennig, 7:17.

Unlike Applicant's claimed messaging system, the directory assistance apparatus of Lennig fails to acknowledge that more than one type of destination address can exist, for instance, an email address, a fax number, a voicemail telephone number, cellular telephone number, etc. As a result, Lennig does not solicit the type of destination address sought by the calling party as its system is designed to only retrieve telephone numbers for voice conversations (see, e.g., Lennig, 2:16 through 3:30, along with Figure 3B), as recited in claim 1. As such, a caller in Lennig cannot specify the type of destination address they wish to retrieve for a particular party.

Because Lennig does not solicit the type of destination address sought, Lennig does not generate a

destination address query based upon the combination of i) a destination party identity and ii) a destination address type, as recited in claim 1. Further, Lennig also fails to identify an appropriate database based upon such information, for instance, a database designed to accumulate and store email addresses. In contrast, the claimed invention calls for a master control unit that generates "a destination address query for an identified directory database in response to identification of the destination party identity and the destination address type."

Lastly, as the Examiner has acknowledged, Lennig fails to disclose the ability to transfer a message to a destination party. Lennig simply aides directory assistance services by automating portions of it using speech recognition. Specifically, Lennig asks "For what city?" the call is directed to, whether the desired listing is a business number, and if so, the name of the business. If at any point the system cannot process this information, the caller is redirected to a human operator for further assistance. See Lennig, 6:19 through 7:47.

It is implied in the Office Action that Lennig's inquiry "For what city?" is the same as or equivalent to the claimed invention's destination address type. See, Office Action, page 3, line 5. However, as illustrated above, the physical address (i.e., street name and

number) solicited in Lennig is completely different from the address (type) (for example, "telephone", "email", "pager", "fax", etc.) solicited in the claimed invention. The claimed invention includes a voice processing unit for "recording a destination party identity and destination address type," such as, for example, a fax, voicemail or email address. A master control unit of the claimed invention is then configured for "generating a destination address query for an identified directory database," and "in response to receiving a destination address reply ... initiates a transfer of the message." In contrast, Lennig, as a directory assistance apparatus, is designed for and only capable of searching for a directory phone number, using a geographic location ("For what city?") to expedite the search process.

The Dowden reference does not remedy the shortcomings of Lennig. Dowden discloses a system for automating operator-assisted telephone calls.

Specifically, a customer of Dowden is assigned their own individual telephone number, such as an 800 number, which, when called, routes that customer to a switching system containing prerecorded phrases in the voice of that customer. The customer speaks, and the automated system attempts to match the customer's utterance to a previously recorded phrase made by the customer. If a match is found, the system dials a telephone number the

customer previously associated with the recorded phrase, thereby completing the call. See, generally, Dowden, 10:5 - 10:35. Dowden can also incorporate a voice messaging system where a recorded voice message can be delivered to a customer. See Figure 5 and 10:37.

However, similar to the system of Lennig, Dowden does not recognize more than one type of destination address, and, as such, cannot retrieve alternative destination addresses for a party, such as, for example, a fax number or email address. As a result, Dowden is also incapable of initiating the transfer of a message to different types of destination addresses. Instead, Dowden only allows the retrieval of a limited number of phone numbers from a database created by the customer. Upon retrieval of a phone number, the customer can establish a connection in order to carry on a conversation with another party, or alternatively, deliver a voice message to the other party.

Accordingly, the system of Dowden is similar to

Lennig in that it does not acknowledge that more than one
type of destination address, for example, a fax number,
cell number, or email address, can exist for a person.

As a result, Dowden also fails to disclose "generating a
destination address query for an identified directory
database in response to identification of the destination
party identity and destination address type." For these

reasons, the combination of Lennig and Dowden would not establish a prima facie case under § 103. A combination of Lennig and Dowden would simply provide for an operator or directory assistance apparatus that would allow a person to initiate a telephone conversation by two very different means. A person could either look up a telephone number for a business by knowing the name of the business and its geographic location, or they could call into a private number, such as an 800 number, to access a personal electronic directory and retrieve and automatically dial a telephone number they previously programmed into the directory. Either way, they would be unable to "generate a destination address query for an identified database in response to identification of a destination party identity and destination address type", and, based upon a reply to that query, "selectively initiate a transfer of a message to a destination party."

Similar to claim 1 discussed in detail above, independent claims 15, 24 and 34 all call for the identification of a party identity and a destination address type, along with either the generation of a query based on a party identity and destination address type (claim 15), the retrieval of a destination address corresponding to the destination party and destination address type (claim 24), or access to destination address information for a destination party based on a

corresponding destination address type (claim 34). As discussed in detail above in relation to claim 1, neither Lennig nor Dowden, individually or in combination, suggest or disclose the identification of a destination party identity and a destination address type, such as, for example, a fax number, voicemail number, or email address. Further, neither reference, individually or in combination, discloses the formation of a query, nor retrieving or accessing a destination address based on a party's identity and destination address type.

Accordingly, independent claims 15, 24 and 34, along with the claims dependent there from, should all be patentable over the references of Lennig and Dowden.

Rejection of Claims 3-14, 16-19, 21-23, 25-33 and 37-42 under 35 U.S.C. §103(a)

Dependent claims 3-14, 16-19, 21-23, 25-33 and 37-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lennig in view of Dowden and in further view of U.S. Patent 5,193,110 to Jones et al. ("Jones").

As indicated above, the references of Lennig and Dowden, either individually or in combination, fail to disclose a system that "generates a destination address query for an identified directory database in response to identification of the destination party identity and the destination address type." Accordingly, the references

of Lennig and Dowden do not establish a prima facie case under §103 for independent claims 1, 15, 24 and 34, from which the above rejected claims depend on.

Furthermore, the addition of Jones as a reference does not cure these deficiencies (indeed, the Examiner does not advance Jones for these deficiencies). Jones's services platform for a telephone communication system does not disclose a system or method where a destination party identity and a destination address type are identified, and subsequently a destination address corresponding to the party identity and address type is retrieved. Accordingly, claims 3-14, 16-19, 21-23, 25-33 and 37-42 should be patentable over the references of Lennig, Dowden and Jones.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

Date: October 17, 2002

Glenn E. Forbis, Reg. No. 40,610

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue

Suite 140

Bloomfield Hills, MI 48304

(248) 594-0600

CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on this 17th day of October, 2002.